

## **REMARKS**

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

No claims are currently being amended.

Claims 37-45 and 51-52 remain pending in this application.

### **Rejections under 35 U.S.C. § 103**

Claims 37-45 and 51-52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,175,933 to Cadden (hereafter “Cadden”) in view of U.S. Patent No. 5,548,724 to Akizawa (hereafter “Akizawa”). Applicants respectfully traverse these rejections for at least the following reasons.

Both independent claims 37 and 42 require that the managing computer, the requesting computer, and the target computer are separate and independent computers, and that these separate and independent computers have specifically recited functions. Cadden does not suggest this feature as recited in claims 37 and 42 in the context of the claims.

Cadden does not disclose a managing computer, requesting computer, and target computer as recited in the claims, where these computers are separate and independent computers. Cadden discloses a system with three machines 21, 22, and 23, which may be individual computers (see FIG. 2, col. 3, lines 55-60). Machines 21, 22, and 23 respectively include a file transfer client 24, file transfer server 26, and monitor program 40 (see FIG. 2). Cadden discloses that the monitor program 40 communicates with the file transfer client 24 and the file transfer server 26 to access client monitor information (col. 4, lines 27-35). The monitor information includes the name of the file transferred, and other information regarding the file transfer (col. 4, lines 35-43).

The Office Action equates the machine 23 of Cadden with the managing computer of claims 37 and 42. In contrast to claims 37 and 42, however, Cadden does not disclose that the machine 23 receives a file transfer request, identifies the location of the data file, or

passes the transfer request to that location. Instead the machine 23 is configured to perform monitoring functions with respect to file transfers between machine 21 and 23.

Cadden also discloses a file transfer procedure in Figures 3A to 3C and col. 5, line 47 to col. 6, line 49. This file transfer procedure appears to be between the client and server, i.e. between machines 21 and 22. In contrast to claims 37 and 42, however, this file transfer procedure does not indicate that machine 23 receives a file transfer request, identifies the location of the data file, or passes the transfer request to that location.

Moreover, while the monitor program 40 of the machine 23 of Cadden accesses client monitor information and server monitor information (col. 4, lines 27-43), this information only suggests that the machine 23 monitors the file transfer between the machines 21 and 22. The monitor information does not suggest that the machine 23 acts to receive a file transfer request, identify the location of the data file, or pass the transfer request to that location. For at least this reason, claims 37 and 42 are patentable over Cadden.

Akizawa does not cure the deficiencies of Cadden. Akizawa discloses a system with a number of client computers 10, 20, 30, and a file server system 90 comprising a master file server 100 and other file servers 110, 120, 130 (See Fig. 1, col. 4, lines 10-33). A file access request may be generated from a means 12 (which is a part of one of the client computers) (Fig. 1, col. 4, lines 14-17), and the request is transmitted to master file server 100 (col. 4, lines 17-21).

Akizawa, however, provides no suggestion to modify the Cadden system to replace the machine 23, which is configured to provide monitoring functions, with a server whose function is as a master file server. The purpose of the machine 23 in Cadden is to monitor the file transfer between the machines 21 and 22. The machine 23 does not function to receive a file transfer request, identify the location of the data file, or pass the transfer request to that location. One skilled in the art would not have modified the machine 23, whose purpose is only to monitor file transfers, to change that purpose to receive transfer requests, identify the location of the data file, and pass the transfer request to that location. To so modify the

machine 23 would have rendered that machine unfit for its intended purpose, which is only to monitor data transfers.

Moreover, even if there were proper motivation to combine Cadden and Akizawa (which there is not), the combination would not meet the limitations of independent claims 37 and 42. The Office Action equates the machine 21 with both the requesting computer and the target computer. Claims 37 and 42, however, specifically require that the requesting computer and target computer are separate and independent computers. Thus, if the machine 21 of Cadden is both the requesting computer and the target computer, Cadden does not meet the limitation of claims 37 and 42 even if modified as suggested in the Office Action.

Dependent claims 38-41 and 43-45 depend from one of independent claims 37 and 42 and are patentable for at least the same reasons, as well as for further patentable features recited therein.

### **Claims 51 and 52**

Independent claims 51 and 52 are similar to respective claims 37 and 42, except that the language “wherein the requesting computer, managing computer and target computer are separate and independent computers” has been replaced by “wherein the source computer, managing computer and target computer are separate and independent computers.” As discussed above, with respect to claims 37 and 42, one skilled in the art would not have combined Cadden and Akizawa as suggested in the Office Action. For at least this reason, claims 51 and 52 are patentable over Cadden and Akizawa.

For at least the above reasons, applicants submit that all of claims 37-45 and 51-52 are patentable over Cadden and Akizawa and respectfully request that the rejections under 35 U.S.C. 103 be withdrawn.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 10, 2004

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